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14
15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 FRIENDS OF ANIMALS,
18 Plaintiff,
19 v.

No. 3:18-cv-00043-RCJ-VPC

**JOINT MOTION FOR
SCHEDULING ORDER**

20 JILL SILVEY, in her official capacity as the
21 Elko District Office Manager; and THE
22 UNITED STATES BUREAU OF LAND
23 MANAGEMENT, an agency of the
United States,
24 Defendants.

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26 Jill Silvey, in her official capacity as the Elko District Office Manager, the United States
27 Bureau of Land Management (“BLM”) (collectively, “Federal Defendants”), and Friends of
28 Animals (“Plaintiff”), submit the following proposed schedule for the above-captioned case. The

1 parties have conferred and agree that this is a case for review on the administrative record, and is
2 therefore exempt from the requirements of Federal Rule of Civil Procedure 26. *See* Fed. R. Civ.
3 P. 26(a)(1)(B)(i), (f)(1). The parties also have agreed to an expedited schedule so as to avoid the
4 need for a preliminary injunction motion and in an attempt to resolve the legal challenges to the
5 agency action before further gathers are scheduled.

6 Plaintiff challenges BLM's December 21, 2017, Decision Record, which stated that there
7 were 9,053 excess wild horses in the Triple B and Antelope Complexes. The proposed action
8 consists of a 10-year gather plan and proposes BLM gather and remove approximately 9,053
9 excess wild horses within the Complexes, implement population control measures to gathered
10 and released mares, and may return some gelded horses to the range to be managed as a non-
11 breeding population. On January 30, 2018, BLM initiated a gather of 1,500 wild horses in the
12 Triple B Complex. This is the first gather conducted under the challenged Decision Record. BLM
13 has no additional gathers scheduled and does not currently anticipate that it will be able to conduct
14 any further gathers in the Triple B or Antelope Complexes before the next Fiscal Year (October 1,
15 2018), unless there is an emergency or public safety issue that arises. Therefore, we are proposing
16 an expedited schedule that would conclude briefing in early June 2018, and provide the Court
17 with approximately four months to issue a ruling prior to the expected date for any future gather
18 in the Triple B or Antelope Complexes.¹

19 **A. Administrative Record**

- 20 1. Federal Defendants shall file their Answer to the Complaint no later than March 2,
21 2018.
- 22 2. Federal Defendants shall file the certified Administrative Record with the Court
23 and serve a copy of the Administrative Record upon Plaintiff no later than
24 March 12, 2018.

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28 ¹ Defendants agree to notify Friends of Animals if BLM intends to further implement actions
authorized in the 2017 Decision before October 1, 2018.

1 3. The parties shall consult about any concerns with the Administrative Record and
2 attempt to informally resolve any disputes regarding the Administrative Record no
3 later than March 23, 2018.

4 4. Plaintiff shall file any Motion to Supplement the Record no later than March 30,
5 2018.

6 5. Parties shall file any Motion to Amend or Supplement the Pleadings no later than
7 March 30, 2018.

8 **B. Briefing on the Merits**

9 1. Plaintiff shall file its Opening Brief within 14 days after resolution of any motions
10 regarding the contents of the Administrative Record, as provided in paragraph A.4.
11 If no motions are filed under paragraph A.4., Plaintiff's Motion for Summary
12 Judgment shall be filed no later than April 19, 2018.

13 2. Federal Defendants shall file their combined Response to Plaintiff's Motion for
14 Summary Judgment and Cross-Motion for Summary Judgment no later than
15 May 10, 2018.

16 3. Plaintiff shall file its combined Response to Federal Defendants' Cross-Motion
17 and Reply in support of its Motion for Summary Judgment no later than May 24,
18 2018.

19 4. Federal Defendants shall file their Reply in support of their Cross-Motion for
20 Summary Judgment no later than June 7, 2018.

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1 The parties respectfully request that the Court grant this motion and set the proposed
2 deadlines in the above-captioned case. If the Court determines that a hearing on the Summary
3 Judgment Motions would aid the Court, the parties request that the Court schedule oral argument
4 as expeditiously as possible after briefing has been concluded.

5 DATED: February 21, 2018.

Respectfully submitted,

6 DAYLE ELIESON
7 United States Attorney

8 s/ Holly A. Vance
9 HOLLY A. VANCE
Assistant United States Attorney

10 JEFFREY H. WOOD
11 Acting Assistant Attorney General
12 Environment & Natural Resources Division

13 DEVON LEA FLANAGAN, Trial Attorney
14 Environment & Natural Resources Division

15 DANIELA A. ARREGUI, Trial Attorney
16 Environment & Natural Resources Division

17 *Attorneys for Federal Defendants*

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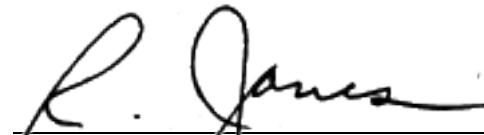
18 s/ Julie Cavanaugh-Bill
19 JULIE CAVANAUGH-BILL, Esq.

20 JENNIFER BEST, Esq.
21 Friends of Animals

22 *Attorneys for Plaintiff*

23
24 IT IS SO ORDERED.

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26 DATED: March 14, 2018.

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28 HON. ROBERT C. JONES
United States District Judge